

**B) Remarks:**

New claim 3 is substituted for original claim 1 and new claims 4 and 5 are substituted for original claim 2. Allowable subject matter was found in claim 2 and it is believed that new claims 4 and 5 place the claim language in more acceptable and appropriate form. New claim 4 is basically original claim 2 with minor grammatical type amendments and new claim 5 is basically the last separate sentence which is attached to original claim 2.

Regarding the rejection of original claim 1 (now new claim 3), the claim stands rejected under 35 U.S.C. 103(a) as being unpatentable over Langston in view of Byrd et al.

In this regard, the Examiner indicates that Langston discloses most of the required computer hardware/software but does not disclose the computer will shut itself off to reset. The Examiner then refers to Byrd et al. which the Examiner purports discloses that the computer will shut itself off and in this regard refers to column 14, lines 24 - 49 thereof.

However, a close review of this portion of Byrd states, with regard to the issue or ability to shut itself down in lines 24 through 26, that "When the microcontroller 4 is inactive, it is programmed to shut itself down to minimize power consumption and possible Radio Frequency Interference (RFI)." Thus the only reason this reference teaches that one should cause a computer to shut down is to minimize power consumption. This is completely contrary to the teachings of the present invention as set forth in new claim 3 wherein after the complete sequence of the software

programs has been completed the computer will then shut itself off to be reset. This prevents any further interference or unauthorized use of the aircraft.


Accordingly, to more clearly distinguish the present invention over and above the cited reference, Applicant has therefore amended claim 1 by indicating a new claim 3 that the computer shuts itself off at this point “in order to prevent unauthorized use of the landed aircraft”. This clearly distinguishes the present invention from Byrd et al.

By combining Byrd et al. with Langston, it is respectfully submitted that the Examiner is improperly combining references. The fact that disclosures of references can be combined does not make combination obvious unless the art also contains something to suggest desirability of combination. It is respectfully submitted that there is nothing in Langston to suggest the shutting down of a computer for the reasons provided by Applicant. The art contains nothing to suggest desirability of the combination made by the Examiner. See *In re: Imperato* 179 USPQ 730 (CCPA 1973).

Accordingly, reconsideration with favorable response by notice of allowance is requested.

Respectfully submitted,

CAROTHERS AND CAROTHERS



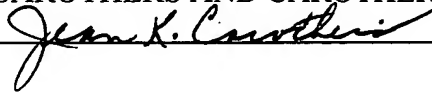
Floyd B. Carothers  
Attorney for Hal D. Lilley  
Fort Pitt Commons, Suite 500  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219

FBC:jkc  
Reg. No. 24,252  
(412) 471-3575  
(412) 281-2180  
Pittpatent@aol.com

ET 793408765 US

I hereby certify that this correspondence is being deposited with  
the United States Postal Service with sufficient postage as Express  
Mail in an envelope addressed to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450, on July 19, 2005

CAROTHERS AND CAROTHERS



---